



**Colorado Department
of Public Health
and Environment**

OPERATING PERMIT

**NuStar Logistics, L.P.
Colorado Springs Terminal**

**Issued: January 1, 2003
Renewed: August 1, 2011**

AIR POLLUTION CONTROL DIVISION

COLORADO OPERATING PERMIT

FACILITY NAME:	NuStar Logistics, L. P. – Colorado Springs Terminal	OPERATING PERMIT NUMBER
FACILITY ID:	0410548	00OPEP229
ISSUE DATE:	August 1, 2011	
EXPIRATION DATE:	August 1, 2016	
MODIFICATIONS:	See Appendix F of Permit	

Issued in accordance with the provisions of Colorado Air Quality Control Act, 25-7-101 et seq.
and applicable rules and regulations.

ISSUED TO:	PLANT SITE LOCATION:
NuStar Logistics, L.P. 410 South Padre Island Drive, Suite 200 Corpus Christi, TX 78405	7810 Drennan Road Colorado Springs El Paso County, Colorado 80925

INFORMATION RELIED UPON

Operating Permit Renewal Application Received:	January 2, 2007
And Additional Information Received:	September 22, 2008

Nature of Business:	Petroleum Products Marketing Terminal
Primary SIC:	5171, 4613

RESPONSIBLE OFFICIAL

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SUBMITTAL DEADLINES

First Semi-Annual Monitoring Period: August 1, 2011 – December 31, 2011

Semi-Annual Monitoring Period: January 1 – June 30, July 1 - December 31

Semi-Annual Monitoring Report: February 1 & August 1, 2012 & and subsequent years

First Annual Compliance Period: August 1, 2011 – December 31, 2011

Annual Compliance Period: January 1 – December 31

Annual Compliance Certification: February 1, 2012 and subsequent years

Note that the Semi-Annual Monitoring reports and the Annual Compliance report must be received at the Division office by 5:00 p.m. on the due date. Postmarked dates will not be accepted for the purposes of determining the timely receipt of those reports.

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SECTION I - General Activities and Summary

1. Permitted Activities

- 1.1 This facility consists of a petroleum bulk station and terminal. Refined petroleum products, such as motor fuels, ethanol, and other fuel additives, are delivered by pipeline. The products are stored at the facility in storage tanks, and distributed to the market via tanker trucks. The facility emissions are associated with eight (8) storage tanks, one (1) bottom loading tank truck rack with a vapor recovery system and a vapor combustion unit (VCU), and fugitive equipment leaks.

The facility is located in Colorado Springs, El Paso County, Colorado. This area is designated as attainment for all criteria pollutants. There are no affected states within 50 miles of this facility, and there are no Federal Class I designated areas within 100 kilometers of the facility.

- 1.2 Until such time as this permit expires or is modified or revoked, the permittee is allowed to discharge air pollutants from this facility in accordance with the requirements, limitations, and conditions of this permit.
- 1.3 This Operating Permit incorporates the applicable requirements contained in the underlying construction permits, and does not affect those applicable requirements, except as modified during review of the application or as modified subsequent to permit issuance using the modification procedures found in Regulation No. 3, Part C. These Part C procedures meet all applicable substantive New Source Review requirements of Part B. Any revisions made using the provisions of Regulation No. 3, Part C shall become new applicable requirements for purposes of this Operating Permit and shall survive reissuance. This Operating Permit incorporates the applicable requirements (except as noted in Section II) from the following Colorado Construction Permit(s):

93EP133-1 93EP133-2 93EP133-3 93EP133-4 93EP133-5 93EP133-6
93EP133-7 93EP133-8 93EP133-9 93EP133-11

- 1.4 All conditions in this permit are enforceable by the US Environmental Protection Agency, Colorado Air Pollution Control Division (hereinafter Division) and its agents, and citizens unless otherwise specified. **State-only enforceable conditions are:** Section IV, Conditions 3.d and 3.g (last paragraph), 14 and 18 (as noted).
- 1.5 All information gathered pursuant to the requirements of this permit is subject to the Record keeping and Reporting requirements listed under Condition 22 of the General Conditions in Section IV of this permit. Either electronic or hard copy records are acceptable.

2. Alternative Operating Scenarios

2.1 The permittee shall be allowed to make the following changes to its method of operation without applying for a revision of this permit.

2.1.1 None

3. Prevention of Significant Deterioration

3.1 This facility is located in an area designated as attainment for all pollutants. Based on the information provided by the applicant, this source is categorized as a minor stationary source for PSD as of the issue date of this permit. Any future modification which is major by itself (Potential to Emit of > 250 TPY) for any pollutant listed in Regulation No. 3, Part D, Section II.A.42 for which the area is in attainment or attainment/maintenance may result in the application of the PSD review requirements.

3.2 There are no other Operating Permits associated with this facility for purposes of determining applicability of Prevention of Significant Deterioration regulations.

4. Compliance Assurance Monitoring (CAM)

4.1 The following emission points at this facility use a control device to achieve compliance with an emission limitation or standard to which they are subject and have pre-control emissions that exceed or are equivalent to the major source threshold. They are therefore subject to the provisions of the CAM program as set forth in 40 CFR Part 64 as adopted by reference into Colorado Regulation No. 3, Part C, Section XIV.

Fuel loading rack equipped with a vapor recovery unit and a vapor combustion unit (L-1 or E009).

5. Accidental Release Prevention Program (112(r))

5.1 Based on the information provided by the applicant, this facility is not subject to the provisions of the Accidental Release Prevention Program (Section 112(r) of the Federal Clean Air Act).

6. Summary of Emission Units

6.1 The emissions units regulated by this permit are the following:

Emission Unit	AIRS ID	Facility Identifier	Description	Pollution Control Device
E001	001	Tank S-4M1	Internal floating roof tank with capacity of 168,000 gallons	None
E002	002	Tank S-30M1	Internal floating roof tank with capacity of 1,260,000 gallons	None
E003	003	Tank S-30M2	Internal floating roof tank with capacity of 1,260,000 gallons	None
E004	004	Tank S-30M3	Internal floating roof tank with capacity of 1,260,000 gallons	None
E005	005	Tank S-40M1	Internal floating roof tank with capacity of 1,680,000 gallons	None
E006	006	Tank S-55M1	Internal floating roof tank with capacity of 2,310,000 gallons	None
E007	007	Tank S-55M2	Internal floating roof tank with capacity of 2,310,000 gallons	None
E008	008	Tank S-80M1	Internal floating roof tank with capacity of 3,360,000 gallons	None
E009	009	L-1	Fuel loading rack and associated vapor collection system and vapor combustion unit (SN:RP-318297)	Vapor combustion unit
E010	011	NA	Fugitive emissions from equipment leaks	None

SECTION II - Specific Permit Terms

1. Facility-Wide Limits

Parameter	Permit Condition Number	Limitations	Compliance Emission Factor	Monitoring	
				Method	Interval
Single HAP	1.1	8.0 tons/yr	See Sections II.2, II.3, and II.4.	Recordkeeping & Calculation	Monthly
Combined HAPs		20.0 tons/yr			

- 1.1 The emissions of any single HAP and combination of HAPs, from all of the equipment at this facility, shall not exceed the limitations stated in the table above. By the end of the subsequent month, emissions for the previous month shall be calculated. A twelve-month rolling total shall be maintained to monitor compliance with the annual limitations. Each month, a new twelve-month total shall be calculated using the previous twelve months' data. (Colorado Construction Permits 93EP133-1, 93EP133-2, 93EP133-3, 93EP133-4, 93EP133-5, 93EP133-6, 93EP133-7, 93EP133-8, 93EP133-9, 93EP133-11).

2. E001- E008– Eight (8) Storage Tanks

(In most cases, the conditions in the table below apply to each tank. There are exceptions to this and they are noted in the specific conditions.)

Parameter	Permit Condition Number	Limitations	Compliance Emission Factor	Monitoring	
				Method	Interval
VOCs	2.1	See Table 2.1	EPA Tanks 4.0 or higher	Recordkeeping & Calculation	Monthly
Gasoline and Other Refined Petroleum Products Throughput	2.2	See Table 2.1		Recordkeeping	Monthly
HAPs	2.3	See Condition 1.1	See Table 2.2	Recordkeeping & Calculation	Monthly
NSPS Kb	2.4			See Condition 2.4	
NSPS General Provisions	2.5			See Condition 2.5	
NESHAP Subpart R	2.6			See Condition 2.6	
Storage and Transfer	2.7			Colorado Regulation No. 7, Section V & VI	
Opacity	2.8	Less than or equal to 20%			

2.1 Emissions of volatile organic compounds (VOCs) shall not exceed the limitations listed in Table 2.1 on the following page (Colorado Construction Permits 93EP133-1, 93EP133-2, 93EP133-3, 93EP133-4, 93EP133-5, 93EP133-6, 93EP133-7, 93EP133-8).

2.1.1 By the end of the subsequent month, emissions shall be calculated for the previous month using EPA Tanks Model Version 4.0 or the most current version. A twelve-month rolling total shall be maintained to monitor compliance with annual limitations. Each month, a new twelve-month total shall be calculated using the previous twelve months' data.

2.1.2 Vapor pressure of the fluids in the tanks shall not exceed an annual average of 5.4 psia. Monthly records shall be maintained of the actual average vapor pressure of liquids in the tanks and made available to the Division for inspection upon request. This condition does not apply to diesel fuel, turbine fuel, jet fuel, and ethanol.

- 2.2 Gasoline, ethanol, and other refined petroleum products shall not exceed the limitations listed in Table 2.1 below (Colorado Construction Permits 93EP133-1, 93EP133-2, 93EP133-3, 93EP133-4, 93EP133-5, 93EP133-6, 93EP133-7, and 93EP133-8). By the end of each subsequent month, the throughput shall be calculated for the previous month. A twelve-month rolling total shall be maintained to monitor compliance with annual limitations. Each month, a new twelve-month total shall be calculated using the previous twelve months' data.

Table 2.1 Emission and Throughput Limits

AIRS ID	Storage Tank ID	Permit Number	Product	Throughput limit (barrels/yr)	VOCs limit (tons/yr)
001	Tank S-4M1	93EP133-1	Motor fuels	438,000	0.70
002	Tank S-30M1	93EP133-2	Motor fuels/Ethanol	3,650,000	1.50
003	Tank S-30M2	93EP133-3	Motor fuels	3,650,000	1.50
004	Tank S-30M3	93EP133-4	Motor fuels	3,650,000	1.50
005	Tank S-40M1	93EP133-5	Motor fuels	4,891,000	1.89
006	Tank S-55M1	93EP133-6	Motor fuels	6,716,000	2.14
007	Tank S-55M2	93EP133-7	Motor fuels	6,716,000	2.14
008	Tank S-80M1	93EP133-8	Motor fuels	9,709,000	3.44

- 2.3 The HAPs emissions from the storage tanks shall be calculated with the following equation:

$$\text{HAPs (pounds)} = \text{vapor mass fraction} \times \text{VOCs (pounds)}$$

Vapor mass fraction – the vapor mass fractions for the various HAPs are outlined in Table 2.2 below

VOCs (pounds) – the VOCs emissions calculated by EPA TANKS Model

Table 2.2 – HAPs Vapor Mass Fractions

Pollutant	Vapor Mass Fraction
Benzene	0.0136
Toluene	0.0114
Ethylbenzene	0.0007
Xylenes	0.0035
Hexane	0.0210
2,2,4 - TMP	0.0008
Undefined VOC	0.9489
HAPs percentages are from revised APENs submitted 8/20/10.	

- 2.4 These storage tanks are subject to the requirements of 40 CFR Part 60 Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels), as adopted by reference in Colorado Regulation No. 6, Part A. These requirements include, but are not limited to the following:
- 2.4.1 The requirements of §60.112b(a)(1) shall be met.
 - 2.4.2 The testing and procedures requirements of §60.113b(a) shall be met.
 - 2.4.3 The reporting and recordkeeping requirements of §60.115b shall be met.
 - 2.4.4 Monitoring of operations requirements of §60.116b shall be met.
- 2.5 These storage tanks are subject to the requirements of 40 CFR Part 60 Subpart A, General Provisions, as adopted by reference in Colorado Regulation No. 6, Part A.

- 2.5.1 At all times, including periods of start-up, shutdown, and malfunction, the facility and control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether or not acceptable operating and maintenance procedures are being used will be based on information available to the Division, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. (Reference: Regulation 6, Part A. General Provisions from 40 CFR §60.11)
- 2.5.2 No article, machine, equipment or process shall be used to conceal an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. (§60.12)
- 2.5.3 Records of startups, shutdowns, and malfunctions shall be maintained, as required under §60.7.
- 2.6 The storage tanks at this facility are subject to the requirements of 40 CFR Part 63 Subpart R, National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations), as adopted by reference in Colorado Regulation No. 8, Part A. These requirements include, but are not limited to, the following:
 - 2.6.1 Each vessel shall be equipped according to the requirements in §63.423 which refers to 40 CFR Part 60, Subpart Kb §§60.112b(a) (1) through (4), except for the requirements in §§60.112b(a)(1)(iv) through (ix) and §60.112b(a)(2)(ii). (§63.423)
- 2.7 All storage tanks at this facility are subject to Regulation No. 7, Section VI.B.2.
- 2.8 Visible emissions shall not exceed twenty percent (20%) opacity during normal operation of the emission sources. In absence of any credible evidence to the contrary, the Division accepts these emission sources to be in compliance with the opacity standard.

3. E009 – Loading Rack with Vapor Recovery Unit and Vapor Combustion Unit (VCU)

Parameter	Permit Condition Number	Limitations	Compliance Emission Factor	Monitoring	
				Method	Interval
VOCs	3.1	81.23 tons per year	See Equations on the following page	Recordkeeping & Calculation	Monthly
NO _x		14.10 tons per year	0.034 lb/1000 gallons loaded		
CO		35.20 tons per year	0.085 lb/1000 gallons loaded		
HAPs	3.2	See Condition 1.1	See Table 3.1		
Gasoline and Other Refined Petroleum Products Throughput	3.3	827,820,000 gallons/yr		Recordkeeping	Monthly
NSPS Subpart XX	3.4			See Condition 3.4	
NSPS General Provisions	3.5			See Condition 3.5	
NESHAP Subpart R	3.6	10 mg TOC per liter of gasoline loaded		See Condition 3.6	Continuous
NESHAP General Provisions	3.7			See Condition 3.7	
Stack Test	3.8			See Condition 3.8	
Opacity	3.9	Colorado Regulation No. 1, Section II.A.1 and 4		EPA Method 9	As Noted
Storage and Transfer	3.10	Colorado Regulation No. 7, Section V		Diligence	None
Compliance Assurance Monitoring	3.11			See Condition 5	

3.1 Emissions of VOCs, nitrogen oxides (NO_x), and carbon monoxide (CO) from this emission point shall not exceed the limitations stated in the table above (Colorado Construction Permit 93EP133-9).

3.1.1 The emission factors in the table above shall be used to monitor compliance with the annual emission limits. By the end of each subsequent month, emissions shall be calculated for the previous month. A twelve-month rolling total shall be maintained to monitor compliance with annual limitations. Each month, a new twelve-month total shall be calculated using the previous twelve months' data.

3.1.2 The annual VOCs emissions shall be calculated using the equations below. For all liquids (except for diesel and turbine fuels), the VOCs emissions will be the total of Equations 1 and 2. For diesel and turbine fuels, the VOCs emissions will be the total of Equations 1 and 3.

Equation 1 (tons) = (gallons loaded)(3.785 liter/gallon)(10 mg/liter)(2.2 lb/1000 g)(1g/1000 mg)/(2000 lb/ton)

Equation 2 (tons) = (8.69 lbs VOCs/1000 gallons loaded)(gallons loaded)(0.013)/(2000 lbs VOCs/ton)

Equation 3 (tons) = (0.034 lb VOCs/1000 gallons loaded)(gallons loaded)(0.013)/(2000 lbs VOCs/ton)

3.1.3 Vapor pressure of the gasoline loaded shall not exceed an annual average of 5.4 psia. Monthly records shall be maintained of the actual average vapor pressure of gasoline loaded and made available to the Division for inspection upon request.

3.2 The HAPs emissions from the loading rack shall be calculated with the following equation:

HAPs (pounds) = vapor mass fraction x VOCs (pounds)

Vapor mass fraction – the vapor mass fractions for the various HAPs are outlined in Table 3.1 below.

VOCs (pounds) – the VOCs emissions calculated by Condition 3.1.2 above.

Table 3.1 – HAPs Vapor Mass Fractions

Pollutant	Vapor Mass Fraction
Benzene	0.0136
Toluene	0.0114
Ethylbenzene	0.0007
Xylenes	0.0035
Hexane	0.0210
2,2,4 - TMP	0.0008
Undefined VOC	0.9489
HAPs percentages are from revised APENs submitted 8/20/10.	

- 3.3 The loading of gasoline or other less volatile petroleum products shall not exceed the limitation stated in the table in Section II.3. By the end of each subsequent month, the amount of product loaded shall be calculated for the previous month. A twelve-month rolling total shall be maintained to monitor compliance with annual limitations. Each month, a new twelve-month total shall be calculated using the previous twelve months' data. (Colorado Construction Permit 93EP133-9)
- 3.4 This source is subject to the requirements of 40 CFR Part 60 Subpart XX, Standards of Performance for Bulk Gasoline Terminals, as adopted by reference in Colorado Regulation No. 6, Part A. These requirements include, but are not limited to, the following:
- 3.4.1 All requirements of sections §60.502 through §60.506 shall apply. The company may maintain tank truck tightness documentation at an alternative location. This documentation shall be made available to the Division for inspection upon request.
- 3.4.2 Loadings of liquid product into gasoline tank trucks (cargo tank) shall be limited to vapor tight gasoline cargo tanks by use of the following procedures (§60.502(e)):
- 3.4.2.1 Vapor tightness documentation shall be obtained as described in §60.505(b) for each gasoline tank truck which is to be loaded at the affected facility. (§60.502(e)(1))
- 3.4.2.2 Tank identification numbers shall be recorded as each gasoline tank truck is loaded. (§60.502(e)(2))
- 3.4.2.3 Each tank identification number shall be cross-checked with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded, unless certain conditions are maintained. (§60.502(e)(3))
- 3.4.2.4 The owner or operator of each nonvapor-tight tank truck loaded shall be notified within one (1) week after the loading has occurred. (§60.502(e)(4))
- 3.4.2.5 Loading of gasoline tank trucks shall be made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system. (§60.502(f))
- 3.4.2.6 The terminal's and tank truck's vapor collection systems shall be connected during each loading of a gasoline tank truck. (§60.502(g))
- 3.4.2.7 The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading. (§60.502(h))
- 3.4.2.8 No pressure-vacuum vent in the vapor collection system shall begin to open at a

system pressure less than 4,500 pascals (450 mm of water). (§60.502(i))

- 3.4.3 Each vapor collection system shall be designed to prevent any total organic compounds vapors collected at one loading rack from passing to another loading rack (§63.422(a) and §60.502(d))
- 3.4.4 The loading rack shall be equipped with a vapor collection system designed to collect organic compounds vapors displaced from gasoline cargo tanks during product loading. (§60.502(a))
- 3.5 This source is subject to the requirements of 40 CFR Part 60 Subpart A, General Provisions, as adopted by reference in Colorado Regulation No. 6, Part A. These requirements include, but are not limited to the following:
 - 3.5.1 At all times, including periods of start-up, shutdown, and malfunction, the facility and control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether or not acceptable operating and maintenance procedures are being used will be based on information available to the Division, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. (Reference: Regulation 6, Part A. General Provisions from 40CFR §60.11)
 - 3.5.2 No article, machine, equipment or process shall be used to conceal an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. (§60.12)
 - 3.5.3 Records of startups, shutdowns, and malfunctions shall be maintained, as required under §60.7.
- 3.6 This source is subject to the requirements of 40 CFR Part 63 Subpart R, National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations), as adopted by reference in Colorado Regulation No. 8, Part A. These requirements with respect to the loading rack include, but are not limited to the following:
 - 3.6.1 The facility subject to the provisions of this subpart shall comply with §60.502(e) as specified in §63.422(c).

Standards: Loading Racks

- 3.6.2 The loading rack at this facility subject to the provisions of this subpart shall comply with the requirements in Condition 3.4 and §60.502. (§63.422(a))
- 3.6.3 Emissions to the atmosphere from the vapor collection and processing systems due to the loading of gasoline cargo tanks shall not exceed 10 milligrams of total organic compounds per liter of gasoline loaded. (§63.422(b))

Test Methods and Procedures

- 3.6.4 Performance tests on the loading rack shall be conducted in accordance with the provisions in § 63.425(a).
- 3.6.5 For each performance test conducted under Condition 3.6.4, determine a monitored operating parameter value for the vapor processing system using the procedure specified in § 63.425(b)(1) through (3).
- 3.6.6 For performance tests performed after the initial test, document the reasons for any change in the operating parameter value since the previous performance test. (§ 63.424(c))

As specified in Condition 3.8, a performance test shall be conducted within one year of renewal permit issuance date to verify compliance with the emission limitation in Condition 3.6.3. Subsequent performance tests shall be conducted every five years thereafter.

Continuous Monitoring

- 3.6.7 Install, calibrate, certify, operate, and maintain, according to the manufacturer's specifications, a continuous monitoring system (CMS) as specified below. (§ 63.427(a))
- 3.6.7.1 For the vapor combustion unit, a CPMS capable of measuring temperature must be installed in the firebox or in the ductwork immediately downstream from the firebox in a position before any substantial heat exchange occurs. (§63.427(a)(3))
- 3.6.8 Operate the vapor processing system in a manner not to go below the operating parameter value for the parameter described in Condition 3.6.7.1 and §63.427 (a)(3), and established using the procedures in §63.425(b). Operation of the vapor processing system in a manner going below the operating parameter value, as specified above, shall constitute a violation of the emission standard in §63.422(b). (§ 63.427(b))

Note that previous performance testing has established the parameter value at 400 °F (1-hr block average of actual operating time). As indicated in Condition 3.6.8, instances where the temperature falls below 400 °F shall constitute a violation of the emission standard. A lower temperature value may be set provided that a performance test is conducted at the lower temperature and such test indicates compliance with the emission standard.

Reporting and Recordkeeping

3.6.9 Reporting and record keeping shall be maintained and furnished as specified in Subpart R §63.428. Any and all records maintained shall be made available for Division review upon request.

3.6.9.1 Records and furnish reports shall be kept as specified in §60.115(b), except records shall be kept for at least 5 years. (§63.428(d))

3.6.9.2 The following information shall be included in a semiannual report to the Division, as applicable: (§63.428(g))

- a. Each loading of a gasoline cargo tank for which vapor tightness documentation had not been previously obtained by the facility;
- b. Periodic reports required under paragraph (d) of this section; and
- c. The number of equipment leaks not repaired within 5 days after detection.

3.6.9.3 Submit an excess emissions report to the Division in accordance with §63.10(e)(3), whether or not a CMS is installed at the facility. The following occurrences are excess emissions events under this subpart, and the following information shall be included in the excess emissions report, as applicable: (§63.428(h))

- a. Each exceedance or failure to maintain, as appropriate, the monitored operating parameter value determined under §63.425(b). The report shall include the monitoring data for the days on which exceedances or failures to maintain have occurred, and a description and timing of the steps taken to repair or perform maintenance on the vapor collection and processing systems or the CMS. (§63.428(h)(1))
- b. Each instance of a nonvapor-tight gasoline cargo tank loading at the facility in which the owner or operator failed to take steps to assure that such cargo tank would not be reloaded at the facility before vapor tightness documentation for that cargo tank was obtained. (§63.428(h)(2))

- c. Each reloading of a nonvapor-tight gasoline cargo tank at the facility before vapor tightness documentation for that cargo tank is obtained by the facility in accordance with §63.422(c)(2). (§63.428(h)(3))
- d. For each occurrence of an equipment leak for which no repair attempt was made within 5 days or for which repair was not completed within 15 days after detection: (§63.428(h)(4))
 - (i) The date on which the leak was detected;
 - (ii) The date of each attempt to repair the leak;
 - (iii) The reasons for the delay of repair; and
 - (iv) The date of successful repair

3.6.9.4 Records shall be maintained for each gasoline tanker truck loading at the facility as follows:

- a. Annual certification testing performed under Subpart R §63.425; and
- b. Performance testing performed in accordance with Subpart R §§63.425 (f), (g) and (h).
- c. The documentation file shall be kept up-to-date for each gasoline cargo tank loading at the facility. (Subpart R §63.428(b)(3)) The documentation for each test shall include:
 - (i) Name of test
 - (ii) Tank owner's name and address
 - (iii) Tank identification number
 - (iv) Test location and date
 - (v) Tester name and signature
 - (vi) Witnessing inspector, if any: name, signature and affiliation
 - (vii) Vapor tightness repair: Nature of repair work and when performed in relation to vapor tightness testing
 - (viii) Test results: Pressure or vacuum change, mm of water; time period of test; number of leaks found with instrument and leak definition.

- 3.7 This loading rack is subject to the requirements in 40 CFR Part 63 Subpart A, General Provisions, as adopted by reference in Colorado Regulation No. 8, Part E, Section I. These requirements include, but are not limited to the following:

- 3.7.1 Prohibited activities and circumvention in § 63.4.
- 3.7.2 Operation and maintenance requirements in § 63.6(e)(1).
- 3.7.3 Startup, shutdown and malfunction plan requirements in § 63.6(e)(3).
- 3.7.4 Performance test requirements in § 63.7.
- 3.7.5 Monitoring requirements in § 63.8.
- 3.7.6 Notification requirements in § 63.9.
- 3.7.7 Recordkeeping requirements in § 63.10.
- 3.8 A source compliance stack test shall be conducted within one year of issuance of this permit, and every five years thereafter, to monitor compliance with the TOC emission limit in Condition 3.6 and the NO_x, CO, and VOCs annual limits of Condition 3.1. The compliance test shall be based on EPA approved methods. A stack testing protocol shall be submitted for Division approval at least thirty (30) calendar days prior to any performance of the test required under this condition. No stack test required herein shall be performed without prior written approval of the protocol by the Division. The Division reserves the right to witness the test. In order to facilitate the Division's ability to make plans to witness the test, notice of the date (s) for the stack test shall be submitted to the Division at least thirty (30) calendar days prior to the test. The Division may for good cause shown, waive this thirty (30) day notice requirement. In instances when a scheduling conflict is presented, the Division shall immediately contact the permittee in order to explore the possibility of making modifications to the stack test schedule. The required number of copies of the compliance test results shall be submitted to the Division within forty-five (45) calendar days of the completion of the test unless a longer period is approved by the Division.
- 3.9 Visible emissions shall not exceed twenty percent (20%) opacity during normal operation of the source. During periods of startup, process modification, or adjustment of control equipment visible emissions shall not exceed 30% opacity for more than six minutes in any sixty consecutive minutes. Compliance with the opacity standards shall be monitored by conducting a non-Method 9 visible emission observation daily, during manned hours, when gases are routed to the VCU. If visible emissions are observed, the permittee shall investigate the VCU performance and make any repairs or adjustments necessary. If, after maintenance has been performed, visible emissions persist for longer than one hour, an EPA Reference Method 9 opacity observation shall be performed to determine compliance with the opacity standard. (Regulation 1, Section II.A.1.and 4)

Subject to the provisions of C.R.S. 25-7-123.1 and in the absence of credible evidence to the contrary, exceedance of these opacity limitations shall be considered to exist from the time a Method 9 reading is taken that shows an exceedance of the opacity limit until a Method 9 reading is taken that shows the opacity is less than the opacity limit.

All Method 9 opacity observations shall be performed by an observer with current and valid Method 9 certification. Results of Method 9 readings and a copy of the certified Method 9 reader's certification shall be made available to the Division upon request.

- 3.10 This source is subject to Emissions Control requirements for Volatile Organic Compounds as contained in Regulation No. 7, Section V as described in Section III, Condition 29.
- 3.11 The source shall follow the Compliance Assurance Monitoring (CAM) requirements for the loading rack as outlined in Section II, Condition 5 of this permit.

4. E010 – Fugitive VOCs Emissions from Equipment Leaks

Parameter	Permit Condition Number	Limitation	Compliance Emission Factor	Monitoring	
				Method	Interval
VOCs	4.1	14.66 tons/yr	By Component, EPA Protocol for Equipment Leak Estimates	Initial Component Count, Recordkeeping, and Emission Calculations	Within 90 days, Ongoing Tally, Annually
HAPs	4.2	See Condition 1.1	See Table 4.2	Recordkeeping & Calculation	Monthly
NESHAP Subpart R	4.3			See Condition 4.3	Monthly
Storage and Transfer	4.4			Colorado Regulation No. 7, Section V	

- 4.1 Emissions of VOCs from all equipment leaks at this facility shall not exceed the limitation stated in the table above (Colorado Construction 93EP133-11). An initial count of the equipment components shall be performed and documented within ninety (90) calendar days of the issue date of this permit unless a component count has been performed within the twelve (12) calendar months immediately prior to the issue date of this Operating Permit. Additions and deletions of components shall be maintained, and a running total of component counts shall be recorded and made available to the Division for inspection upon request. The components shall be actually counted every five (5) calendar years and a new running total started. The records shall be kept at the site and made available for Division review upon request.

Emission Factors for individual types of components in lb/component-hr from the reference *Protocol for Equipment Leak Emission Estimates, EPA, November 1995, EPA-453/R-95-017*. These emission factors are fixed until changed by established permit modification procedures.

Table 4.1- Emission Factors

Equipment	Gas	Liquid
Valves	0.0000287	0.0000948
Flanges	0.0000926	0.0000176
Pump Seals	0.000143	0.00119
Process Drains	0.07	0.07
Sample Connections	0.033	0.033

Calculation of annual emissions of (Weight %) VOC per component:

(Component count) X (8760 hrs/year) X (Weight %VOC in organic portion of gas stream)
X (Emission factor for component being evaluated)

The total fugitive VOC emissions shall be the sum of emissions for each component.

A twelve-month rolling total shall be maintained to monitor compliance with annual limitations. Each month, a new twelve-month total shall be calculated using the previous twelve months' data. Records of these calculations shall be kept and made available for Division review upon request.

4.2 The HAPs emissions from the equipment leaks will be calculated with the following equation:

HAPs (pounds) = liquid mass fraction x VOCs (pounds)

Liquid mass fraction – the liquid mass fractions for the various HAPs are outlined in Table 4.2

VOCs (pounds) – the VOCs emissions calculated from Condition 4.1

Table 4.2 – HAPs Liquid Mass Fractions

Pollutant	Liquid Mass Fraction
Benzene	0.0580
Toluene	0.1775
Ethylbenzene	0.0354
Xylenes	0.2079
Hexane	0.0537
Cumene	0.0029
Napthalene	0.0059
2,2,4 - TMP	0.0068
HAPs percentages are from revised APENs submitted 9/8/09.	

- 4.3 This source is subject to the requirements of 40 CFR Part 63 Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) as adopted by reference in Colorado Regulation No. 8, Part A. These requirements regarding equipment leaks include, but are not limited to the following:
- 4.3.1 Monthly leak inspection shall be performed on all equipment in gasoline service at the facility. (Subpart R §63.424(a))
- 4.3.2 Each owner or operator complying with the provisions of §63.424 (a) through (d) shall record the following information in the log book for each leak that is detected: (§63.428(e))
- 4.3.2.1 The equipment type and identification number;
- 4.3.2.2 The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, sound, or smell);
- 4.3.2.3 The date the leak was detected and the date of each attempt to repair the leak;
- 4.3.2.4 Repair methods applied in each attempt to repair the leak;
- 4.3.2.5 “Repair delayed” and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak;
- 4.3.2.6 The expected date of successful repair of the leak if the leak is not repaired within 15 days; and

4.3.2.7 The date of successful repair of the leak.

4.3.3 When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than five (5) calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within fifteen (15) calendar days after detection of each leak, except as provided in Condition 4.3.5 of this section. (§§63.424(b)&(c))

4.3.4 Repair delay of leaking equipment will be allowed upon a written approval by the Division that repair within fifteen (15) calendar days is not feasible. (§63.424(d))

4.3.5 As an alternative to compliance with the provisions in Conditions 4.3.1 through 4.3.4 of this section, the applicant may implement a written instrument leak monitoring program that has been approved by the Division as at least equivalent. (§63.424(f))

4.3.6 Owners and operators shall not allow gasoline to be handled in a manner that would result in vapor release to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

4.3.6.1 Minimize gasoline spills; (§63.424(g)(1))

4.3.6.2 Clean up spills as expeditiously as practicable; (§63.424(g)(2))

4.3.6.3 Cover all open gasoline containers with a gasketed seat when not in use ; (§63.424(g)(3)); and

4.3.6.4 Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators (§63.424(g)).

4.3.6.5 Reporting and record keeping shall be kept and furnished for review upon request (§63.428(f))

4.4 This source is subject to Regulation No. 7, Section V, Disposal of Volatile Organic Compounds as described in Section III, Condition 29 of this permit.

5. Compliance Assurance Monitoring

5.1 The Compliance Assurance Monitoring (CAM) requirements in 40 CFR Part 64, as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV, apply to the loading rack that is controlled by the VCU, with respect to the VOC limitations identified in Condition 3.1 as follows:

5.1.1 The permittee shall install, operate and maintain, according to manufacturer's specifications, a monitoring system as follows: a heat sensing device, such as an

ultraviolet beam sensor or a thermocouple, shall be installed in proximity to the pilot light to indicate the presence of a flame when the vapor combustor is required to operate. Excursions, for purposes of CAM, shall be any event when the vapor combustor is required to operate, but monitoring indicates the pilot flame is not present. Excursions shall be reported as required by Section IV, Conditions 21 and 22.d of this permit.

5.1.2 Operation of Approved Monitoring

5.1.2.1 At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment (40 CFR Part 64 § 64.7(b), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.2.2 Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of these CAM requirements, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions (40 CFR Part 64 § 64.7(c), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.2.3 Response to excursions or exceedances

- a. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation,

recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable (40 CFR Part 64 § 64.7(d)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

- b. Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process (40 CFR Part 64 § 64.7(d)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.2.4 After approval of the monitoring required under the CAM requirements, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the Division and, if necessary submit a proposed modification for this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters (40 CFR Part 64 § 64.7(e), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.3 Quality Improvement Plan (QIP) Requirements

5.1.3.1 Based on the results of a determination made under the provisions of Condition 5.1.2.3.b, the Division may require the owner or operator to develop and implement a QIP (40 CFR Part 64 § 64.8(a), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.3.2 The owner or operator shall maintain a written QIP, if required, and have it available for inspection (40 CFR Part 64 § 64.8(b)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.3.3 The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more

of the following actions, as appropriate:

- a. Improved preventative maintenance practices (40 CFR Part 64 § 64.8(b)(2)(i), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- b. Process operation changes (40 CFR Part 64 § 64.8(b)(2)(ii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- c. Appropriate improvements to control methods (40 CFR Part 64 § 64.8(b)(2)(iii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- d. Other steps appropriate to correct control performance (40 CFR Part 64 § 64.8(b)(2)(iv), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- e. More frequent or improved monitoring (only in conjunction with one or more steps under Conditions 5.1.3.3.a through d above) (40 CFR Part 64 § 64.8(b)(2)(v), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.3.4 If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the Division if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined (40 CFR Part 64 § 64.8(c), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.3.5 Following implementation of a QIP, upon any subsequent determination pursuant to Condition 5.1.2.3.b, the Division or the U.S. EPA may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

- a. Failed to address the cause of the control device performance problems (40 CFR Part 64 § 64.8(d)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV); or
- b. Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions (40 CFR Part 64 § 64.8(d)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.3.6 Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing

monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the federal clean air act (40 CFR Part 64 § 64.8(e), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.4 Reporting and Recordkeeping Requirements

5.1.4.1 Reporting Requirements: The reports required by Section IV, Condition 22.d, shall contain the information specified in Appendix B of the permit and the following information, as applicable:

- a. Summary information on the number, duration and cause (including unknown cause, if applicable), for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable) ((40 CFR Part 64 § 64.9(a)(2)(ii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV); and
- b. The owner or operator shall submit, if necessary, a description of the actions taken to implement a QIP during the reporting period as specified in Condition 5.1.3 of this permit. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring (40 CFR Part 64 § 64.9(a)(2)(iii), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.4.2 General Recordkeeping Requirements: In addition to the recordkeeping requirements in Section IV, Condition 22.a through c.

- a. The owner or operator shall maintain records of any written QIP required pursuant to Condition 5.1.3 and any activities undertaken to implement a QIP, and any supporting information required to be maintained under these CAM requirements (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions) (40 CFR Part 64 § 64.9(b)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).
- b. Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements (40 CFR Part 64 § 64.9(b)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.5 Savings Provisions

5.1.5.1 Nothing in these CAM requirements shall excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the federal clean air act. These CAM requirements shall not be used to justify the approval of monitoring less stringent than the monitoring which is required under separate legal authority and are not intended to establish minimum requirements for the purposes of determining the monitoring to be imposed under separate authority under the federal clean air act, including monitoring in permits issued pursuant to title I of the federal clean air act. The purpose of the CAM requirements is to require, as part of the issuance of this Title V operating permit, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of CAM (40 CFR Part 64 § 64.10(a)(1), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.5.2 Nothing in these CAM requirements shall restrict or abrogate the authority of the U.S. EPA or the Division to impose additional or more stringent monitoring, recordkeeping, testing or reporting requirements on any owner or operator of a source under any provision of the federal clean air act, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable (40 CFR Part 64 § 64.10(a)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV).

5.1.6 Nothing in these CAM requirements shall restrict or abrogate the authority of the U.S. EPA or the Division to take any enforcement action under the federal clean air act for any violation of an applicable requirement or of any person to take action under section 304 of the federal clean air act (40 CFR Part 64 § 64.10(a)(2), as adopted by reference in Colorado Regulation No. 3, Part C, Section XIV)

SECTION III - Permit Shield

Regulation No. 3, 5 CCR 1001-5, Part C, §§ I.A.4, V.D. & XIII.B; § 25-7-114.4(3)(a), C.R.S.

1. Specific Non-Applicable Requirements

Based upon the information available to the Division and supplied by the applicant. The following parameters and requirements have been specifically identified as non-applicable to the facility to which this permit has been issued. This shield does not protect the source from any violations that occurred prior to or at the time of permit issuance. In addition, this shield does not protect the source from any violations that occur as a result of any modification or reconstruction on which construction commenced prior to permit issuance.

No parameters or requirements were identified in the application.

2. General Conditions

Compliance with this Operating Permit shall be deemed compliance with all applicable requirements specifically identified in the permit and other requirements specifically identified in the permit as not applicable to the source. This permit shield shall not alter or affect the following:

- 2.1 The provisions of §§25-7-112 and 25-7-113, C.R.S., or §303 of the federal act, concerning enforcement in cases of emergency;
- 2.2 The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- 2.3 The applicable requirements of the federal Acid Rain Program, consistent with §408(a) of the federal act;
- 2.4 The ability of the Air Pollution Control Division to obtain information from a source pursuant to §25-7-111(2)(I), C.R.S., or the ability of the Administrator to obtain information pursuant to §114 of the federal act;
- 2.5 The ability of the Air Pollution Control Division to reopen the Operating Permit for cause pursuant to Regulation No. 3, Part C, §XIII.
- 2.6 Sources are not shielded from terms and conditions that become applicable to the source subsequent to permit issuance.

3. Streamlined Conditions

The following applicable requirements have been subsumed within this operating permit using the pertinent streamlining procedures approved by the U.S. EPA. For purposes of the permit shield, compliance with the listed permit conditions will also serve as a compliance demonstration for purposes of the associated subsumed requirements.

No conditions have been streamlined.

SECTION IV - General Permit Conditions (Ver. 11/16/10)

1. Administrative Changes

Regulation No. 3, 5 CCR 1001-5, Part A, § III.

The permittee shall submit an application for an administrative permit amendment to the Division for those permit changes that are described in Regulation No. 3, Part A, § I.B.1. The permittee may immediately make the change upon submission of the application to the Division.

2. Certification Requirements

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.B.9., V.C.16.a.& e. and V.C.17.

- a. Any application, report, document and compliance certification submitted to the Air Pollution Control Division pursuant to Regulation No. 3 or the Operating Permit shall contain a certification by a responsible official of the truth, accuracy and completeness of such form, report or certification stating that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- b. All compliance certifications for terms and conditions in the Operating Permit shall be submitted to the Air Pollution Control Division at least annually unless a more frequent period is specified in the applicable requirement or by the Division in the Operating Permit.
- c. Compliance certifications shall contain:
 - (i) the identification of each permit term and condition that is the basis of the certification;
 - (ii) the compliance status of the source;
 - (iii) whether compliance was continuous or intermittent;
 - (iv) method(s) used for determining the compliance status of the source, currently and over the reporting period; and
 - (v) such other facts as the Air Pollution Control Division may require to determine the compliance status of the source.
- d. All compliance certifications shall be submitted to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit.
- e. If the permittee is required to develop and register a risk management plan pursuant to § 112(r) of the federal act, the permittee shall certify its compliance with that requirement; the Operating Permit shall not incorporate the contents of the risk management plan as a permit term or condition.

3. Common Provisions

Common Provisions Regulation, 5 CCR 1001-2 §§ II.A., II.B., II.C., II.E., II.F., II.I, and II.J

a. To Control Emissions Leaving Colorado

When emissions generated from sources in Colorado cross the State boundary line, such emissions shall not cause the air quality standards of the receiving State to be exceeded, provided reciprocal action is taken by the receiving State.

b. Emission Monitoring Requirements

The Division may require owners or operators of stationary air pollution sources to install, maintain, and use instrumentation to monitor and record emission data as a basis for periodic reports to the Division.

c. Performance Testing

The owner or operator of any air pollution source shall, upon request of the Division, conduct performance test(s) and furnish the Division a written report of the results of such test(s) in order to determine compliance with applicable emission control regulations.

Performance test(s) shall be conducted and the data reduced in accordance with the applicable reference test methods unless the Division:

- (i) specifies or approves, in specific cases, the use of a test method with minor changes in methodology;
- (ii) approves the use of an equivalent method;
- (iii) approves the use of an alternative method the results of which the Division has determined to be adequate for indicating where a specific source is in compliance; or
- (iv) waives the requirement for performance test(s) because the owner or operator of a source has demonstrated by other means to the Division's satisfaction that the affected facility is in compliance with the standard. Nothing in this paragraph shall be construed to abrogate the Commission's or Division's authority to require testing under the Colorado Revised Statutes, Title 25, Article 7, and pursuant to regulations promulgated by the Commission.

Compliance test(s) shall be conducted under such conditions as the Division shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Division such records as may be necessary to determine the conditions of the performance test(s). Operations during period of startup, shutdown, and malfunction shall not constitute representative conditions of performance test(s) unless otherwise specified in the applicable standard.

The owner or operator of an affected facility shall provide the Division thirty days prior notice of the performance test to afford the Division the opportunity to have an observer present. The Division may waive the thirty day notice requirement provided that arrangements satisfactory to the Division are made for earlier testing.

The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

- (i) Sampling ports adequate for test methods applicable to such facility;
- (ii) Safe sampling platform(s);
- (iii) Safe access to sampling platform(s); and
- (iv) Utilities for sampling and testing equipment.

Each performance test shall consist of at least three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic mean of results of at least three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Division's approval, be determined using the arithmetic mean of the results of the two other runs.

Nothing in this section shall abrogate the Division's authority to conduct its own performance test(s) if so warranted.

d. Affirmative Defense Provision for Excess Emissions during Malfunctions

Note that until such time as the U.S. EPA approves this provision into the Colorado State Implementation Plan (SIP), it shall be enforceable only by the State.

An affirmative defense to a claim of violation under these regulations is provided to owners and operators for civil penalty actions for excess emissions during periods of malfunction. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the notification requirements below in a timely manner and prove by a preponderance of evidence that:

- (i) The excess emissions were caused by a sudden, unavoidable breakdown of equipment, or a sudden, unavoidable failure of a process to operate in the normal or usual manner, beyond the reasonable control of the owner or operator;
- (ii) The excess emissions did not stem from any activity or event that could have reasonably been foreseen and avoided, or planned for, and could not have been avoided by better operation and maintenance practices;
- (iii) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded;
- (iv) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;
- (v) All reasonably possible steps were taken to minimize the impact of the excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation (if at all possible);
- (vii) The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence;

- (viii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- (ix) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions. This section is intended solely to be a factor in determining whether an affirmative defense is available to an owner or operator, and shall not constitute an additional applicable requirement; and
- (x) During the period of excess emissions, there were no exceedances of the relevant ambient air quality standards established in the Commissions' Regulations that could be attributed to the emitting source.

The owner or operator of the facility experiencing excess emissions during a malfunction shall notify the division verbally as soon as possible, but no later than noon of the Division's next working day, and shall submit written notification following the initial occurrence of the excess emissions by the end of the source's next reporting period. The notification shall address the criteria set forth above.

The Affirmative Defense Provision contained in this section shall not be available to claims for injunctive relief.

The Affirmative Defense Provision does not apply to failures to meet federally promulgated performance standards or emission limits, including, but not limited to, new source performance standards and national emission standards for hazardous air pollutants. The affirmative defense provision does not apply to state implementation plan (sip) limits or permit limits that have been set taking into account potential emissions during malfunctions, including, but not necessarily limited to, certain limits with 30-day or longer averaging times, limits that indicate they apply during malfunctions, and limits that indicate they apply at all times or without exception.

e. Circumvention Clause

A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of air pollutants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of this regulation. No person shall circumvent this regulation by using more openings than is considered normal practice by the industry or activity in question.

f. Compliance Certifications

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in the Colorado State Implementation Plan, nothing in the Colorado State Implementation Plan shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. Evidence that has the effect of making any relevant standard or permit term more stringent shall not be credible for proving a violation of the standard or permit term.

When compliance or non-compliance is demonstrated by a test or procedure provided by permit or other applicable requirement, the owner or operator shall be presumed to be in compliance or non-compliance unless other relevant credible evidence overcomes that presumption.

g. Affirmative Defense Provision for Excess Emissions During Startup and Shutdown

An affirmative defense is provided to owners and operators for civil penalty actions for excess emissions during periods of startup and shutdown. To establish the affirmative defense and to be relieved of a civil penalty in any

action to enforce an applicable requirement, the owner or operator of the facility must meet the notification requirements below in a timely manner and prove by a preponderance of the evidence that:

- (i) The periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through careful planning and design;
- (ii) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance;
- (iii) If the excess emissions were caused by a bypass (an intentional diversion of control equipment), then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (iv) The frequency and duration of operation in startup and shutdown periods were minimized to the maximum extent practicable;
- (v) All possible steps were taken to minimize the impact of excess emissions on ambient air quality;
- (vi) All emissions monitoring systems were kept in operation (if at all possible);
- (vii) The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence; and,
- (viii) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions. This subparagraph is intended solely to be a factor in determining whether an affirmative defense is available to an owner or operator, and shall not constitute an additional applicable requirement.

The owner or operator of the facility experiencing excess emissions during startup and shutdown shall notify the Division verbally as soon as possible, but no later than two (2) hours after the start of the next working day, and shall submit written quarterly notification following the initial occurrence of the excess emissions. The notification shall address the criteria set forth above.

The Affirmative Defense Provision contained in this section shall not be available to claims for injunctive relief.

The Affirmative Defense Provision does not apply to State Implementation Plan provisions or other requirements that derive from new source performance standards or national emissions standards for hazardous air pollutants, or any other federally enforceable performance standard or emission limit with an averaging time greater than twenty-four hours. In addition, an affirmative defense cannot be used by a single source or small group of sources where the excess emissions have the potential to cause an exceedance of the ambient air quality standards or Prevention of Significant Deterioration (PSD) increments.

In making any determination whether a source established an affirmative defense, the Division shall consider the information within the notification required above and any other information the Division deems necessary, which may include, but is not limited to, physical inspection of the facility and review of documentation pertaining to the maintenance and operation of process and air pollution control equipment.

4. Compliance Requirements

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.C.9., V.C.11. & 16.d. and § 25-7-122.1(2), C.R.S.

- a. The permittee must comply with all conditions of the Operating Permit. Any permit noncompliance relating to federally-enforceable terms or conditions constitutes a violation of the federal act, as well as the state act and Regulation No. 3. Any permit noncompliance relating to state-only terms or conditions constitutes a violation of the state act and Regulation No. 3, shall be enforceable pursuant to state law, and shall not be enforceable by citizens under § 304 of the federal act. Any such violation of the federal act, the state act or regulations implementing either statute is grounds for enforcement action, for permit termination, revocation and reissuance or modification or for denial of a permit renewal application.
- b. It shall not be a defense for a permittee in an enforcement action or a consideration in favor of a permittee in a permit termination, revocation or modification action or action denying a permit renewal application that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- c. The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of any request by the permittee for a permit modification, revocation and reissuance, or termination, or any notification of planned changes or anticipated noncompliance does not stay any permit condition, except as provided in §§ X. and XI. of Regulation No. 3, Part C.
- d. The permittee shall furnish to the Air Pollution Control Division, within a reasonable time as specified by the Division, any information that the Division may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Division copies of records required to be kept by the permittee, including information claimed to be confidential. Any information subject to a claim of confidentiality shall be specifically identified and submitted separately from information not subject to the claim.
- e. Any schedule for compliance for applicable requirements with which the source is not in compliance at the time of permit issuance shall be supplemental, and shall not sanction noncompliance with, the applicable requirements on which it is based.
- f. For any compliance schedule for applicable requirements with which the source is not in compliance at the time of permit issuance, the permittee shall submit, at least every 6 months unless a more frequent period is specified in the applicable requirement or by the Air Pollution Control Division, progress reports which contain the following:
 - (i) dates for achieving the activities, milestones, or compliance required in the schedule for compliance, and dates when such activities, milestones, or compliance were achieved; and
 - (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- g. The permittee shall not knowingly falsify, tamper with, or render inaccurate any monitoring device or method required to be maintained or followed under the terms and conditions of the Operating Permit.

5. Emergency Provisions

Regulation No. 3, 5 CCR 1001-5, Part C, § VII.E

An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed the technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. "Emergency" does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. An emergency constitutes an affirmative defense to an enforcement action brought for noncompliance with a technology-based emission limitation if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. the permitted facility was at the time being properly operated;
- c. during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- d. the permittee submitted oral notice of the emergency to the Air Pollution Control Division no later than noon of the next working day following the emergency, and followed by written notice within one month of the time when emissions limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

This emergency provision is in addition to any emergency or malfunction provision contained in any applicable requirement.

6. Emission Controls for Asbestos

Regulation No. 8, 5 CCR 1001-10, Part B

The permittee shall not conduct any asbestos abatement activities except in accordance with the provisions of Regulation No. 8, Part B, "asbestos control."

7. Emissions Trading, Marketable Permits, Economic Incentives

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.13.

No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are specifically provided for in the permit.

8. Fee Payment

C.R.S §§ 25-7-114.1(6) and 25-7-114.7

- a. The permittee shall pay an annual emissions fee in accordance with the provisions of C.R.S. § 25-7-114.7. A 1% per month late payment fee shall be assessed against any invoice amounts not paid in full on the 91st day after the date of invoice, unless a permittee has filed a timely protest to the invoice amount.

- b. The permittee shall pay a permit processing fee in accordance with the provisions of C.R.S. § 25-7-114.7. If the Division estimates that processing of the permit will take more than 30 hours, it will notify the permittee of its estimate of what the actual charges may be prior to commencing any work exceeding the 30 hour limit.
- c. The permittee shall pay an APEN fee in accordance with the provisions of C.R.S. § 25-7-114.1(6) for each APEN or revised APEN filed.

9. Fugitive Particulate Emissions

Regulation No. 1, 5 CCR 1001-3, § III.D.1.

The permittee shall employ such control measures and operating procedures as are necessary to minimize fugitive particulate emissions into the atmosphere, in accordance with the provisions of Regulation No. 1, § III.D.1.

10. Inspection and Entry

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.16.b.

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Air Pollution Control Division, or any authorized representative, to perform the following:

- a. enter upon the permittee's premises where an Operating Permit source is located, or emissions-related activity is conducted, or where records must be kept under the terms of the permit;
- b. have access to, and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the Operating Permit;
- d. sample or monitor at reasonable times, for the purposes of assuring compliance with the Operating Permit or applicable requirements, any substances or parameters.

11. Minor Permit Modifications

Regulation No. 3, 5 CCR 1001-5, Part C, §§ X. & XI.

The permittee shall submit an application for a minor permit modification before making the change requested in the application. The permit shield shall not extend to minor permit modifications.

12. New Source Review

Regulation No. 3, 5 CCR 1001-5, Part B

The permittee shall not commence construction or modification of a source required to be reviewed under the New Source Review provisions of Regulation No. 3, Part B, without first receiving a construction permit.

13. No Property Rights Conveyed

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.11.d.

This permit does not convey any property rights of any sort, or any exclusive privilege.

14. Odor

Regulation No. 2, 5 CCR 1001-4, Part A

As a matter of state law only, the permittee shall comply with the provisions of Regulation No. 2 concerning odorous emissions.

15. Off-Permit Changes to the Source

Regulation No. 3, 5 CCR 1001-5, Part C, § XII.B.

The permittee shall record any off-permit change to the source that causes the emissions of a regulated pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from the change, including any other data necessary to show compliance with applicable ambient air quality standards. The permittee shall provide contemporaneous notification to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit. The permit shield shall not apply to any off-permit change.

16. Opacity

Regulation No. 1, 5 CCR 1001-3, §§ I., II.

The permittee shall comply with the opacity emissions limitation set forth in Regulation No. 1, §§ I.- II.

17. Open Burning

Regulation No. 9, 5 CCR 1001-11

The permittee shall obtain a permit from the Division for any regulated open burning activities in accordance with provisions of Regulation No. 9.

18. Ozone Depleting Compounds

Regulation No. 15, 5 CCR 1001-17

The permittee shall comply with the provisions of Regulation No. 15 concerning emissions of ozone depleting compounds. Sections I., II.C., II.D., III. IV., and V. of Regulation No. 15 shall be enforced as a matter of state law only.

19. Permit Expiration and Renewal

Regulation No. 3, 5 CCR 1001-5, Part C, §§ III.B.6., IV.C., V.C.2.

- a. The permit term shall be five (5) years. The permit shall expire at the end of its term. Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application is submitted.
- b. Applications for renewal shall be submitted at least twelve months, but not more than 18 months, prior to the expiration of the Operating Permit. An application for permit renewal may address only those portions of the permit that require revision, supplementing, or deletion, incorporating the remaining permit terms by reference from the previous permit. A copy of any materials incorporated by reference must be included with the application.

20. Portable Sources

Regulation No. 3, 5 CCR 1001-5, Part C, § II.D.

Portable Source permittees shall notify the Air Pollution Control Division at least 10 days in advance of each change in location.

21. Prompt Deviation Reporting

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.7.b.

The permittee shall promptly report any deviation from permit requirements, including those attributable to malfunction conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.

“Prompt” is defined as follows:

- a. Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or
- b. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report shall be made within 24 hours of the occurrence;
 - (ii) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report shall be made within 48 hours; and
 - (iii) For all other deviations from permit requirements, the report shall be submitted every six (6) months, except as otherwise specified by the Division in the permit in accordance with paragraph 22.d. below.
- c. If any of the conditions in paragraphs b.i or b.ii above are met, the source shall notify the Division by telephone (303-692-3155) or facsimile (303-782-0278) based on the timetables listed above. *[Explanatory note: Notification by telephone or facsimile must specify that this notification is a deviation report for an Operating Permit.]* A written notice, certified consistent with General Condition 2.a. above (Certification Requirements), shall be submitted within 10 working days of the occurrence. All deviations reported under this section shall also be identified in the 6-month report required above.

“Prompt reporting” does not constitute an exception to the requirements of "Emergency Provisions" for the purpose of avoiding enforcement actions.

22. Record Keeping and Reporting Requirements

Regulation No. 3, 5 CCR 1001-5, Part A, § II.; Part C, §§ V.C.6., V.C.7.

- a. Unless otherwise provided in the source specific conditions of this Operating Permit, the permittee shall maintain compliance monitoring records that include the following information:

- (i) date, place as defined in the Operating Permit, and time of sampling or measurements;
 - (ii) date(s) on which analyses were performed;
 - (iii) the company or entity that performed the analysis;
 - (iv) the analytical techniques or methods used;
 - (v) the results of such analysis; and
 - (vi) the operating conditions at the time of sampling or measurement.
- b. The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report or application. Support information, for this purpose, includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Operating Permit. With prior approval of the Air Pollution Control Division, the permittee may maintain any of the above records in a computerized form.
- c. Permittees must retain records of all required monitoring data and support information for the most recent twelve (12) month period, as well as compliance certifications for the past five (5) years on-site at all times. A permittee shall make available for the Air Pollution Control Division's review all other records of required monitoring data and support information required to be retained by the permittee upon 48 hours advance notice by the Division.
- d. The permittee shall submit to the Air Pollution Control Division all reports of any required monitoring at least every six (6) months, unless an applicable requirement, the compliance assurance monitoring rule, or the Division requires submission on a more frequent basis. All instances of deviations from any permit requirements must be clearly identified in such reports.
- e. The permittee shall file an Air Pollutant Emissions Notice ("APEN") prior to constructing, modifying, or altering any facility, process, activity which constitutes a stationary source from which air pollutants are or are to be emitted, unless such source is exempt from the APEN filing requirements of Regulation No. 3, Part A, § II.D. A revised APEN shall be filed annually whenever a significant change in emissions, as defined in Regulation No. 3, Part A, § II.C.2., occurs; whenever there is a change in owner or operator of any facility, process, or activity; whenever new control equipment is installed; whenever a different type of control equipment replaces an existing type of control equipment; whenever a permit limitation must be modified; or before the APEN expires. An APEN is valid for a period of five years. The five-year period recommences when a revised APEN is received by the Air Pollution Control Division. Revised APENs shall be submitted no later than 30 days before the five-year term expires. Permittees submitting revised APENs to inform the Division of a change in actual emission rates must do so by April 30 of the following year. Where a permit revision is required, the revised APEN must be filed along with a request for permit revision. APENs for changes in control equipment must be submitted before the change occurs. Annual fees are based on the most recent APEN on file with the Division.

23. Reopenings for Cause

Regulation No. 3, 5 CCR 1001-5, Part C, § XIII.

- a. The Air Pollution Control Division shall reopen, revise, and reissue Operating Permits; permit reopenings and reissuance shall be processed using the procedures set forth in Regulation No. 3, Part C, § III., except that proceedings to reopen and reissue permits affect only those parts of the permit for which cause to reopen exists.

- b. The Division shall reopen a permit whenever additional applicable requirements become applicable to a major source with a remaining permit term of three or more years, unless the effective date of the requirements is later than the date on which the permit expires, or unless a general permit is obtained to address the new requirements; whenever additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program; whenever the Division determines the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or whenever the Division determines that the permit must be revised or revoked to assure compliance with an applicable requirement.
- c. The Division shall provide 30 days' advance notice to the permittee of its intent to reopen the permit, except that a shorter notice may be provided in the case of an emergency.
- d. The permit shield shall extend to those parts of the permit that have been changed pursuant to the reopening and reissuance procedure.

24. Section 502(b)(10) Changes

Regulation No. 3, 5 CCR 1001-5, Part C, § XII.A.

The permittee shall provide a minimum 7-day advance notification to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit. The permittee shall attach a copy of each such notice given to its Operating Permit.

25. Severability Clause

Regulation No. 3, 5 CCR 1001-5, Part C, § V.C.10.

In the event of a challenge to any portion of the permit, all emissions limits, specific and general conditions, monitoring, record keeping and reporting requirements of the permit, except those being challenged, remain valid and enforceable.

26. Significant Permit Modifications

Regulation No. 3, 5 CCR 1001-5, Part C, § III.B.2.

The permittee shall not make a significant modification required to be reviewed under Regulation No. 3, Part B ("Construction Permit" requirements) without first receiving a construction permit. The permittee shall submit a complete Operating Permit application or application for an Operating Permit revision for any new or modified source within twelve months of commencing operation, to the address listed in Item 1 in Appendix D of this permit. If the permittee chooses to use the "Combined Construction/Operating Permit" application procedures of Regulation No. 3, Part C, then the Operating Permit must be received prior to commencing construction of the new or modified source.

27. Special Provisions Concerning the Acid Rain Program

Regulation No. 3, 5 CCR 1001-5, Part C, §§ V.C.1.b. & 8

- a. Where an applicable requirement of the federal act is more stringent than an applicable requirement of regulations promulgated under Title IV of the federal act, 40 Code of Federal Regulations (CFR) Part 72, both provisions shall be incorporated into the permit and shall be federally enforceable.

- b. Emissions exceeding any allowances that the source lawfully holds under Title IV of the federal act or the regulations promulgated thereunder, 40 CFR Part 72, are expressly prohibited.

28. Transfer or Assignment of Ownership

Regulation No. 3, 5 CCR 1001-5, Part C, § II.C.

No transfer or assignment of ownership of the Operating Permit source will be effective unless the prospective owner or operator applies to the Air Pollution Control Division on Division-supplied Administrative Permit Amendment forms, for reissuance of the existing Operating Permit. No administrative permit shall be complete until a written agreement containing a specific date for transfer of permit, responsibility, coverage, and liability between the permittee and the prospective owner or operator has been submitted to the Division.

29. Volatile Organic Compounds

Regulation No. 7, 5 CCR 1001-9, §§ III & V.

The requirements in paragraphs a, b and e apply to sources located in an ozone non-attainment area or the Denver 1-hour ozone attainment/maintenance area. The requirements in paragraphs c and d apply statewide.

- a. All storage tank gauging devices, anti-rotation devices, accesses, seals, hatches, roof drainage systems, support structures, and pressure relief valves shall be maintained and operated to prevent detectable vapor loss except when opened, actuated, or used for necessary and proper activities (e.g. maintenance). Such opening, actuation, or use shall be limited so as to minimize vapor loss.

Detectable vapor loss shall be determined visually, by touch, by presence of odor, or using a portable hydrocarbon analyzer. When an analyzer is used, detectable vapor loss means a VOC concentration exceeding 10,000 ppm. Testing shall be conducted as in Regulation No. 7, Section VIII.C.3.

- b. Except when otherwise provided by Regulation No. 7, all volatile organic compounds, excluding petroleum liquids, transferred to any tank, container, or vehicle compartment with a capacity exceeding 212 liters (56 gallons), shall be transferred using submerged or bottom filling equipment. For top loading, the fill tube shall reach within six inches of the bottom of the tank compartment. For bottom-fill operations, the inlet shall be flush with the tank bottom.
- c. The permittee shall not dispose of volatile organic compounds by evaporation or spillage unless Reasonably Available Control Technology (RACT) is utilized.
- d. No owner or operator of a bulk gasoline terminal, bulk gasoline plant, or gasoline dispensing facility as defined in Colorado Regulation No. 7, Section VI, shall permit gasoline to be intentionally spilled, discarded in sewers, stored in open containers, or disposed of in any other manner that would result in evaporation.
- e. Beer production and associated beer container storage and transfer operations involving volatile organic compounds with a true vapor pressure of less than 1.5 PSIA actual conditions are exempt from the provisions of paragraph b, above.

30. Wood Stoves and Wood burning Appliances

Regulation No. 4, 5 CCR 1001-6

The permittee shall comply with the provisions of Regulation No. 4 concerning the advertisement, sale, installation, and use of wood stoves and wood burning appliances.

OPERATING PERMIT APPENDICES

A - INSPECTION INFORMATION

B - COMPLIANCE MONITORING REPORT FORMAT

C - COMPLIANCE CERTIFICATION REPORT FORMAT

D - NOTIFICATION ADDRESSES

E - PERMIT ACRONYMS

F - PERMIT MODIFICATIONS

G - COMPLIANCE ASSURANCE MONITORING

***DISCLAIMER:**

None of the information found in these Appendices shall be considered to be State or Federally enforceable, except as otherwise provided in the permit, and is presented to assist the source, permitting authority, inspectors, and citizens.

APPENDIX A - Inspection Information

Directions to Plant

Plant is located at 7810 Drennan Road, Colorado Springs, El Paso County, Colorado.

Safety Equipment Required:

Hard Hat
Safety Shoes
Hearing Protection

Facility Plot Plan:

Figure 1 (following page) shows the plot plan as submitted on April 19, 2011.

List of Insignificant Activities:

The following list of insignificant activities was provided by the source to assist in the understanding of the facility layout. Since there is no requirement to update such a list, activities may have changed since the last filing.

Insignificant activities and/or sources of emissions as submitted in the application are as follows:

Nine (9) Additive Storage Tanks, with capacities listed below.

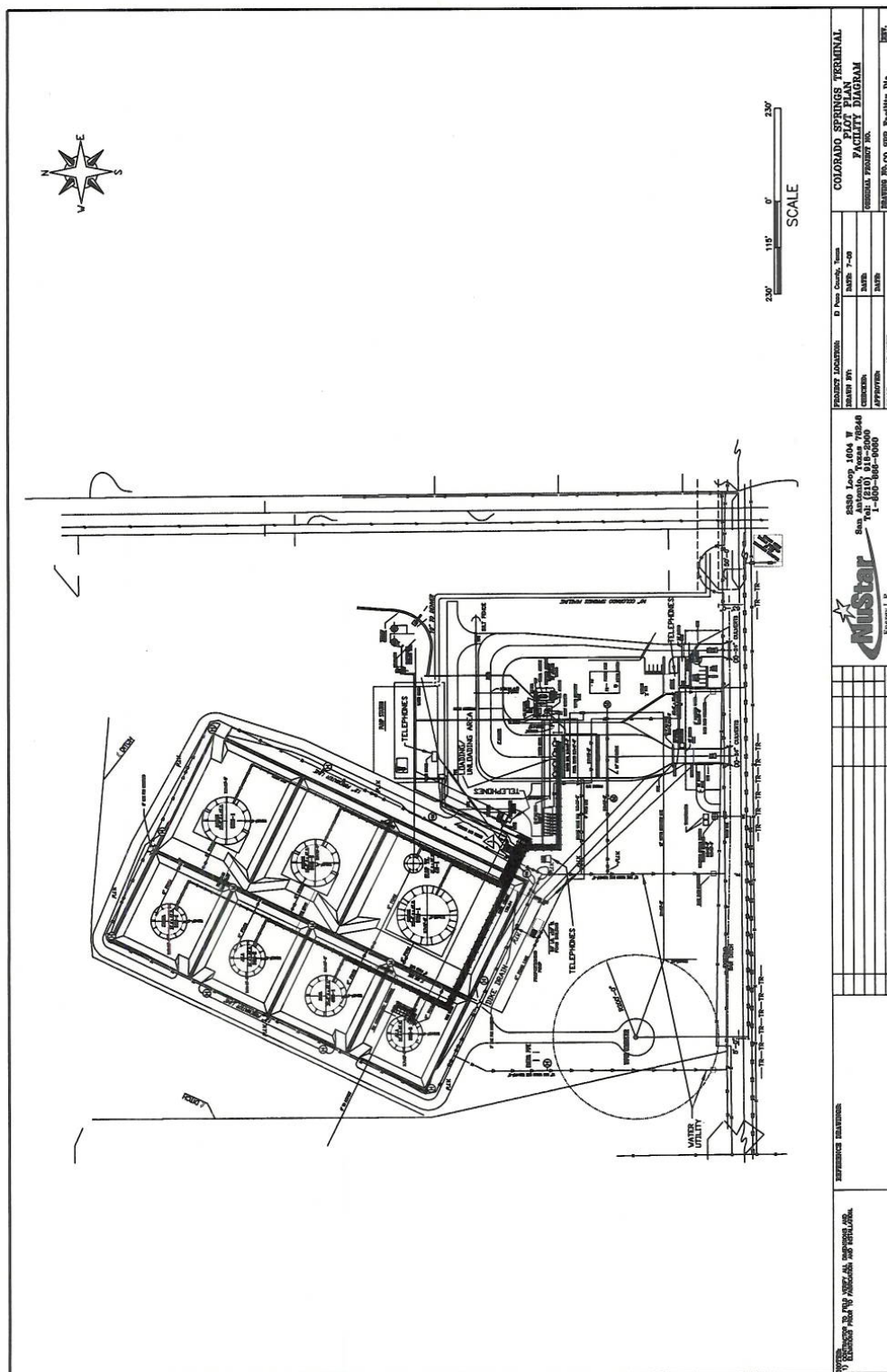
Tank	Capacity (gallons)
S-100	20,377
S-101	20,000
S-102	500
S-103	1,500
S-104	3,000
S-105	2,000
S-106	2,000
S-107	5,000
S-108	2,000

Additive System fugitive VOC emissions.

Additive Tank Truck loading VOC emissions.

Two (2) Petroleum Contact Water Tanks, 6,000 gallon capacity

Oil Water Separator



APPENDIX B
Reporting Requirements and Definitions
with codes ver 2/20/07

Please note that, pursuant to 113(c)(2) of the federal Clean Air Act, any person who knowingly:

- (A) makes any false material statement, representation, or certification in, or omits material information from, or knowingly alters, conceals, or fails to file or maintain any notice, application, record, report, plan, or other document required pursuant to the Act to be either filed or maintained (whether with respect to the requirements imposed by the Administrator or by a State);
- (B) fails to notify or report as required under the Act; or
- (C) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under the Act shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, or by imprisonment for not more than 2 years, or both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

The permittee must comply with all conditions of this operating permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

The Part 70 Operating Permit program requires three types of reports to be filed for all permits. All required reports must be certified by a responsible official.

Report #1: Monitoring Deviation Report (due at least every six months)

For purposes of this operating permit, the Division is requiring that the monitoring reports are due every six months unless otherwise noted in the permit. All instances of deviations from permit monitoring requirements must be clearly identified in such reports.

For purposes of this operating permit, monitoring means any condition determined by observation, by data from any monitoring protocol, or by any other monitoring which is required by the permit as well as the recordkeeping associated with that monitoring. This would include, for example, fuel use or process rate monitoring, fuel analyses, and operational or control device parameter monitoring.

Report #2: Permit Deviation Report (must be reported “promptly”)

In addition to the monitoring requirements set forth in the permits as discussed above, each and every requirement of the permit is subject to deviation reporting. The reports must address deviations from permit requirements, including those attributable to upset conditions and malfunctions as defined in this Appendix, the probable cause of such deviations, and any corrective actions or preventive measures taken. All deviations from any term or condition of the permit are required to be summarized or referenced in the annual compliance certification.

For purposes of this operating permit, “upset” shall refer to both emergency conditions and upsets. Additional discussion on these conditions is provided later in this Appendix.

For purposes of this operating permit, the Division is requiring that the permit deviation reports are due every six months unless otherwise noted in the permit. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. For example, quarterly Excess Emission Reports required by an NSPS or Regulation No. 1, Section IV.

In addition to the monitoring deviations discussed above, included in the meaning of deviation for the purposes of this operating permit are any of the following:

- (1) A situation where emissions exceed an emission limitation or standard contained in the permit;
- (2) A situation where process or control device parameter values demonstrate that an emission limitation or standard contained in the permit has not been met;
- (3) A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or,
- (4) A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred. (only if the emission point is subject to CAM)

For reporting purposes, the Division has combined the Monitoring Deviation Report with the Permit Deviation Report. All deviations shall be reported using the following codes:

1 = Standard:	When the requirement is an emission limit or standard
2 = Process:	When the requirement is a production/process limit
3 = Monitor:	When the requirement is monitoring
4 = Test:	When the requirement is testing
5 = Maintenance:	When required maintenance is not performed
6 = Record:	When the requirement is recordkeeping
7 = Report:	When the requirement is reporting

- 8 = CAM:** A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred.
- 9 = Other:** When the deviation is not covered by any of the above categories

Report #3: Compliance Certification (annually, as defined in the permit)

Submission of compliance certifications with terms and conditions in the permit, including emission limitations, standards, or work practices, is required not less than annually.

Compliance Certifications are intended to state the compliance status of each requirement of the permit over the certification period. They must be based, at a minimum, on the testing and monitoring methods specified in the permit that were conducted during the relevant time period. In addition, if the owner or operator knows of other material information (i.e. information beyond required monitoring that has been specifically assessed in relation to how the information potentially affects compliance status), that information must be identified and addressed in the compliance certification. The compliance certification must include the following:

- The identification of each term or condition of the permit that is the basis of the certification;
- The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each permit term and condition during the certification period and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required in the permit. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Federal Clean Air Act, which prohibits knowingly making a false certification or omitting material information;
- The status of compliance with the terms and conditions of the permit, and whether compliance was continuous or intermittent. The certification shall identify each deviation and take it into account in the compliance certification. Note that not all deviations are considered violations.¹
- Such other facts as the Division may require, consistent with the applicable requirements to which the source is subject, to determine the compliance status of the source.

The Certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred. (only for emission points subject to CAM)

Note the requirement that the certification shall identify each deviation and take it into account in the compliance certification. Previously submitted deviation reports, including the deviation report submitted at the time of the annual certification, may be referenced in the compliance certification.

¹ For example, given the various emissions limitations and monitoring requirements to which a source may be subject, a deviation from one requirement may not be a deviation under another requirement which recognizes an exception and/or special circumstances relating to that same event. Further, periods of excess emissions during startup, shutdown and malfunction may not be found to be a violation of an emission limitation or standard where the source adequately shows that any potential deviations as a result of these infrequent periods were minimized to the extent practicable and could not have been prevented through careful planning, design, or were unavoidable to prevent loss of life, personal injury, or severe property damage.

Startup, Shutdown, Malfunctions, and Emergencies

Understanding the application of Startup, Shutdown, Malfunctions, and Emergency provisions is very important in both the deviation reports and the annual compliance certifications.

Startup, Shutdown, and Malfunctions

Please note that exceedances of some New Source Performance Standards (NSPS) and Maximum Achievable Control Technology (MACT) standards that occur during Startup, Shutdown or Malfunctions may not be considered to be non-compliance since emission limits or standards often do not apply unless specifically stated in the NSPS. Such exceedances must, however, be reported as excess emissions per the NSPS/MACT rules and would still be noted in the deviation report. In regard to compliance certifications, the permittee should be confident of the information related to those deviations when making compliance determinations since they are subject to Division review. The concepts of Startup, Shutdown and Malfunctions also exist for Best Available Control Technology (BACT) sources, but are not applied in the same fashion as for NSPS and MACT sources.

Emergency Provisions

Under the Emergency provisions of Part 70 certain operational conditions may act as an affirmative defense against enforcement action if they are properly reported.

DEFINITIONS

Malfunction (NSPS) means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Malfunction (SIP) means any sudden and unavoidable failure of air pollution control equipment or process equipment or unintended failure of a process to operate in a normal or usual manner. Failures that are primarily caused by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

Emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to

unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

¹ For example, given the various emissions limitations and monitoring requirements to which a source may be subject, a deviation from one requirement may not be a deviation under another requirement which recognizes an exception and/or special circumstances relating to that same event.

Monitoring and Permit Deviation Report - Part I

- Following is the **required** format for the Monitoring and Permit Deviation report to be submitted to the Division on a semi-annual basis unless otherwise noted in the permit. The Table below must be completed for all equipment or processes for which specific Operating Permit terms exist.
- Part II of this Appendix B shows the format and information the Division will require for describing periods of monitoring and permit deviations, or upset or emergency conditions as indicated in the Table below. One Part II Form must be completed for each Deviation. Previously submitted reports (e.g. EER=s or Upsets) may be referenced and the form need not be filled out in its entirety..

FACILITY NAME: NuStar Logistics, L. P.

OPERATING PERMIT NO: 00OPEP229

REPORTING PERIOD: _____ (see first page of the permit for specific reporting period and dates)

Operating Permit Unit ID	Unit Description	Deviations noted During Period? ¹		Deviation Code ²	Upset/Malfunction Condition Reported During Period?	
		YES	NO		YES	NO
E001	Storage Tank S-4M1					
E002	Storage Tank S-30M1					
E003	Storage Tank S-30M2					
E004	Storage Tank S-30M3					
E005	Storage Tank S-40M1					
E006	Storage Tank S-55M1					
E007	Storage Tank S-55M2					
E008	Storage Tank S-80M1					
E009	Fuel Loading Rack, L-1					
E010	Fugitive Emissions from Equipment Leaks					
General Conditions						
Insignificant Activities						

¹ See previous discussion regarding what is considered to be a deviation. Determination of whether or not a deviation has occurred shall be based on a reasonable inquiry using readily available information.

- 1 = Standard:** When the requirement is an emission limit or standard
2 = Process: When the requirement is a production/process limit
3 = Monitor: When the requirement is monitoring
4 = Test: When the requirement is testing
5 = Maintenance: When required maintenance is not performed

- 6 = Record:** When the requirement is record keeping
7 = Report: When the requirement is reporting
8 = CAM: A situation in which an excursion or exceedance as defined in 40CFR Part 64 (the Compliance Assurance Monitoring (CAM) Rule) has occurred.
9 = Other: When the deviation is not covered by any of the above categories

Monitoring and Permit Deviation Report - Part II

FACILITY NAME: NuStar Logistics, L.P. – Colorado Springs Terminal

OPERATING PERMIT NO: 00OPEP229

REPORTING PERIOD:

Is the deviation being claimed as an: Emergency _____ Malfunction _____ N/A _____

(For NSPS/MACT) Did the deviation occur during: Startup _____ Shutdown _____
Malfunction _____ Normal Operation _____

OPERATING PERMIT UNIT IDENTIFICATION:

Operating Permit Condition Number Citation

Explanation of Period of Deviation

Duration (start/stop date & time)

Action Taken to Correct the Problem

Measures Taken to Prevent a Reoccurrence of the Problem

Dates of Malfunctions/Emergencies Reported (if applicable)

Deviation Code _____

Division Code QA: _____

SEE EXAMPLE ON THE NEXT PAGE

EXAMPLE

FACILITY NAME: Acme Corp.
OPERATING PERMIT NO: 96OPZZXXX
REPORTING PERIOD: 1/1/96 - 6/30/96

Is the deviation being claimed as an: Emergency ☐ Malfunction ☒ N/A ☐

(For NSPS/MACT) Did the deviation occur during: Startup ☐ Shutdown ☐
Malfunction ☐ Normal Operation ☐

OPERATING PERMIT UNIT IDENTIFICATION:

Asphalt Plant with a Scrubber for Particulate Control - Unit XXX

Operating Permit Condition Number Citation
Section II, Condition 3.1 - Opacity Limitation

Explanation of Period of Deviation
Slurry Line Feed Plugged

Duration
START- 1730 4/10/96
END- 1800 4/10/96

Action Taken to Correct the Problem
Line Blown Out

Measures Taken to Prevent Reoccurrence of the Problem
Replaced Line Filter

Dates of Malfunctions/Emergencies Reported (if applicable)
5/30/06 to A. Einstein, APCD

Deviation Code _____ Division Code QA: _____

Monitoring and Permit Deviation Report - Part III

REPORT CERTIFICATION

SOURCE NAME: NuStar Logistics, L.P. – Colorado Springs Terminal

FACILITY IDENTIFICATION NUMBER: 0410548

PERMIT NUMBER: 00OPEP229

REPORTING PERIOD: _____ (see first page of the permit for specific reporting period and dates)

All information for the Title V Semi-Annual Deviation Reports must be certified by a responsible official as defined in Colorado Regulation No. 3, Part A, Section I.B.54. This signed certification document must be packaged with the documents being submitted.

STATEMENT OF COMPLETENESS

I have reviewed the information being submitted in its entirety and, based on information and belief formed after reasonable inquiry, I certify that the statements and information contained in this submittal are true, accurate and complete.

Please note that the Colorado Statutes state that any person who knowingly, as defined in Sub-Section 18-1-501(6), C.R.S., makes any false material statement, representation, or certification in this document is guilty of a misdemeanor and may be punished in accordance with the provisions of Sub-Section 25-7 122.1, C.R.S.

Printed or Typed Name

Title

Signature of Responsible Official

Date Signed

Note: Deviation reports shall be submitted to the Division at the address given in Appendix D of this permit. No copies need be sent to the U.S. EPA.

APPENDIX C
Required Format for Annual Compliance Certification Reports (ver 2/20/07)

Following is the format for the Compliance Certification report to be submitted to the Division and the U.S. EPA annually based on the effective date of the permit. The Table below must be completed for all equipment or processes for which specific Operating Permit terms exist.

FACILITY NAME: NuStar Logistics, L.P.

OPERATING PERMIT NO: 00OPEP229

REPORTING PERIOD: _____

I. Facility Status

___ During the entire reporting period, this source was in compliance with **ALL** terms and conditions contained in the Permit, each term and condition of which is identified and included by this reference. The method(s) used to determine compliance is/are the method(s) specified in the Permit.

___ With the possible exception of the deviations identified in the table below, this source was in compliance with all terms and conditions contained in the Permit, each term and condition of which is identified and included by this reference, during the entire reporting period. The method used to determine compliance for each term and condition is the method specified in the Permit, unless otherwise indicated and described in the deviation report(s). Note that not all deviations are considered violations.

Operating Permit Unit ID	Unit Description	Deviations Reported ¹		Monitoring Method per Permit? ²		Was compliance continuous or intermittent? ³	
		Previous	Current	YES	NO	Continuous	Intermittent
E001	Storage Tank S-4M1						
E002	Storage Tank S-30M1						
E003	Storage Tank S-30M2						
E004	Storage Tank S-30M3						
E005	Storage Tank S-40M1						
E006	Storage Tank S-55M1						
E007	Storage Tank S-55M2						
E008	Storage Tank S-80M1						
E009	Fuel Loading Rack, L-1						
E010	Fugitive Emissions from Equipment Leaks						
General Conditions							
Insignificant Activities							

¹ If deviations were noted in the previous deviation report (i.e. for the first six months of the annual reporting period), put an “X” under “previous”. If deviations were noted in the current deviation report (i.e. for the last six months of the annual reporting period), put an “X” under “current”. Mark both columns if both apply.

² Note whether the method(s) used to determine the compliance status with each term and condition was the method(s) specified in the permit. If it was not, mark “no” and attach additional information/explanation.

³ Note whether the compliance status with of each term and condition provided was continuous or intermittent. “Intermittent Compliance” can mean either that noncompliance has occurred or that the owner or operator has data sufficient to certify compliance only on an intermittent basis. Certification of intermittent compliance therefore does not necessarily mean that any noncompliance has occurred.

The Periodic Monitoring requirements of the Operating Permit program rule are intended to provide assurance that even in the absence of a continuous system of monitoring the Title V source can demonstrate whether it has operated in continuous compliance for the duration of the reporting period. Therefore, if a source 1) conducts all of the monitoring and recordkeeping required in its permit, even if such activities are done periodically and not continuously, and if 2) such monitoring and recordkeeping does not indicate non-compliance, and if 3) the Responsible Official is not aware of any credible evidence that indicates non-compliance, then the Responsible Official can certify that the emission point(s) in question were in continuous compliance during the applicable time period.

⁴ Note whether the method(s) used to determine the compliance status with each term and condition provided continuous or intermittent data.

⁵ Compliance status for these sources shall be based on a reasonable inquiry using readily available information.

II. Status for Accidental Release Prevention Program:

- A. This facility _____ is subject _____ is not subject to the provisions of the Accidental Release Prevention Program (Section 112(r) of the Federal Clean Air Act)
- B. If subject: The facility _____ is _____ is not in compliance with all the requirements of section 112(r).
1. A Risk Management Plan _____ will be _____ has been submitted to the appropriate authority and/or the designated central location by the required date.

III. Certification

I have reviewed this certification in its entirety and, based on information and belief formed after reasonable inquiry, I certify that the statements and information contained in this certification are true, accurate and complete.

Please note that the Colorado Statutes state that any person who knowingly, as defined in § 18-1-501(6), C.R.S., makes any false material statement, representation, or certification in this document is guilty of a misdemeanor and may be punished in accordance with the provisions of §25-7 122.1, C.R.S.

Printed or Typed Name

Title

Signature

Date Signed

NOTE: All compliance certifications shall be submitted to the Air Pollution Control Division and to the Environmental Protection Agency at the addresses listed in Appendix D of this Permit.

APPENDIX D Notification Addresses

1. Air Pollution Control Division

Colorado Department of Public Health and Environment
Air Pollution Control Division
Operating Permits Unit
APCD-SS-B1
4300 Cherry Creek Drive S.
Denver, CO 80246-1530

ATTN: Matt Burgett

2. United States Environmental Protection Agency

Compliance Notifications:

Office of Enforcement, Compliance and Environmental Justice
Mail Code 8ENF
U.S. Environmental Protection Agency, Region VIII
1595 Wynkoop Street
Denver, CO 80202-1129

Permit Modifications, Off Permit Changes:

Office of Partnerships and Regulatory Assistance
Mail Stop 8P-AR
U.S. Environmental Protection Agency, Region VIII
1595 Wynkoop Street
Denver, CO 80202-1129

APPENDIX E

Permit Acronyms

Listed Alphabetically:

AIRS -	Aerometric Information Retrieval System
AP-42 -	EPA Document Compiling Air Pollutant Emission Factors
APEN -	Air Pollution Emission Notice (State of Colorado)
APCD -	Air Pollution Control Division (State of Colorado)
ASTM -	American Society for Testing and Materials
BACT -	Best Available Control Technology
BTU -	British Thermal Unit
CAA -	Clean Air Act (CAAA = Clean Air Act Amendments)
CCR -	Colorado Code of Regulations
CEM -	Continuous Emissions Monitor
CF -	Cubic Feet (SCF = Standard Cubic Feet)
CFR -	Code of Federal Regulations
CO -	Carbon Monoxide
COM -	Continuous Opacity Monitor
CRS -	Colorado Revised Statute
EF -	Emission Factor
EPA -	Environmental Protection Agency
FI -	Fuel Input Rate in mmBTU/hr
FR -	Federal Register
G -	Grams
Gal -	Gallon
GPM -	Gallons per Minute
HAPs -	Hazardous Air Pollutants
HP -	Horsepower
HP-HR -	Horsepower Hour (G/HP-HR = Grams per Horsepower Hour)
LAER -	Lowest Achievable Emission Rate
LBS -	Pounds
M -	Thousand
MM -	Million
MMSCF -	Million Standard Cubic Feet
MMscfd -	Million Standard Cubic Feet per Day
N/A or NA -	Not Applicable
NO _x -	Nitrogen Oxides
NESHAP -	National Emission Standards for Hazardous Air Pollutants

NSPS -	New Source Performance Standards
P -	Process Weight Rate in Tons/Hr
PE -	Particulate Emissions
PM -	Particulate Matter
PM ₁₀ -	Particulate Matter Under 10 Microns
PSD -	Prevention of Significant Deterioration
PTE -	Potential To Emit
RACT -	Reasonably Available Control Technology
SCC -	Source Classification Code
SCF -	Standard Cubic Feet
SIC -	Standard Industrial Classification
SO ₂ -	Sulfur Dioxide
TOC -	Total Organic Compounds
TPY -	Tons Per Year
TSP -	Total Suspended Particulate
VOC -	Volatile Organic Compounds

APPENDIX F
Permit Modifications

DATE OF REVISION	SECTION NUMBER, CONDITION NUMBER	DESCRIPTION OF REVISION

APPENDIX G Compliance Assurance Monitoring Plan

I. Background

a. Emission Unit Description:

Gasoline loading rack that is vented to a vapor combustion unit.

b. Applicable Regulation, Emission Limit, Monitoring Requirements:

Regulations: Construction Permits 93EP133-9, Operating Permit 00OPEP229
Section II, Conditions 1.1, 3.1 and 3.6.
Emission Limitations: VOC: 81.23 tons/yr
HAP: 8 tons/yr single HAP
20 tons/yr total HAP
TOC: 10 mg/L gasoline loaded

c. Control Technology:

Control Device: Gas-assisted enclosed flare, John Zink VC-S0003637
Control Technology: Combustion of organic vapors

II. Monitoring Approach

Indicator	Pilot Flame Presence
I. Indicator	Heat sensing device, such as UV sensor or a thermocouple, installed in proximity to the pilot light.
	The condition of the indicator is either pilot flame on or off.
II. Indicator Range	Excursions shall be any event when the vapor is routed from the loading rack to the control device, but monitoring indicates the pilot flame is not present.
III. Performance Criteria	
a. Data Representation	The heat sensing device indicates the presence of a flame.
b. QA/QC Practices and Criteria	The loading rack, storage tanks, vapor collection system, John Zink enclosed vapor combustion unit and associated instrumentation and control system logic is to be maintained per manufacturer's recommendations and good maintenance practices.

Indicator	Pilot Flame Presence
d. Monitoring Frequency	When the thermal oxidizer (VCU) is required to operate, the presence of pilot flame is continuously monitored during the loading sequence.

III. Justification

a. Background:

The pollutant specific emission unit is the tank truck gasoline loading rack. Emissions from the tank truck loading rack are routed to a gas assisted thermal oxidizer (VCU).

b. Rational for Selection of Performance Indicators and Indicator Ranges:

The destruction of VOC is dependent upon combustion. The VCU is equipped with a thermal device to ensure that a flame is present. If the thermal device indicates there is no flame detected, the vapors will not be routed to the VCU.

The Area Source MACT for Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities requires sources equipped with a thermal oxidation system to monitor the presence of a flame. The CAM rule specifies that monitoring required for a MACT standard is presumptively acceptable monitoring, provided that the monitoring is applicable to the performance of the control device (40 CFR Part 64 § 64.4(b)(4)). Since the MACT monitoring is for the same control device (an enclosed VCU is considered a thermal oxidation system under the MACT), the Division considers that the indicators are presumptively acceptable.